

8 March 2024

Our ref: LP:MC

Committee Secretary
Community Safety and Legal Affairs Committee
Parliament House
George Street
Brisbane QLD 4001

By email: [REDACTED]

Dear Committee Secretary

Crime and Corruption and Other Legislation Amendment Bill 2024

Thank you for the opportunity to appear at the public hearing on the Crime and Corruption and Other Legislation Amendment Bill 2024 (**Bill**). At the hearing, the Queensland Law Society (**QLS**) took a question on notice about what provisions in the Bill's new Part 20 will have retrospective effect.

We outline certain provisions from Part 20 of the Bill in the **enclosed** table that will have such effect. As stated in our earlier submission, Part 20 contains provisions which set out how the amendments will apply before and after commencement. We have not extracted all of the sections within Part 20; for example, we have not commented on the changes affecting appointments to positions within the Commission.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via [REDACTED] or by phone on [REDACTED]

Yours faithfully



Rebecca Fogarty
President

Section	Substantive provision/s	Commencement	Effect
s459	Clause 7 - Chapter 2, part 3, division 5, subdivision 2	On a day to be fixed by proclamation	<p>The new subdivision will apply to the prosecution of a corruption offence that is commenced against a person after the commencement of this clause and whether the investigation from which the prosecution arises commenced before or after the commencement of this section.</p> <p>That is, the new provisions will apply to investigations that are already on foot.</p> <p>We note the CCC's evidence at the public hearing that it will need a period of time (e.g. 6 or 12 months) to reform its processes to comply with the new requirements. This indicates there will be changes to how investigations will be conducted and pursuant to s. 459, these change will relate to investigations which are already on foot.</p> <p>This is concerning if there are to be adverse consequences for the individuals involved in a CCC investigation. Any change to how an existing investigation is conducted should not burden these individuals and/or should be:</p> <ul style="list-style-type: none"> • outlined in the explanatory material; and • communicated to the affected persons at the earliest opportunity.
s460	<p>Applies to provisions where claims of reasonable excuse are made:</p> <ul style="list-style-type: none"> • Clause 12 - Chapter 3, part 1, divisions 1 to 3 	On a day to be fixed by proclamation	<p>The provisions of the <i>Crime and Corruption Act 2001</i> (Qld) which deal with claims of reasonable excuse have been redrafted in this Bill such that they are now contained in different sections. Individuals involved in CCC investigations and their legal representatives will need to conduct a detailed review of the amendments to ensure knowledge of, and compliance with, rights and obligations.</p>

Crime and Corruption and Other Legislation Amendment Bill 2024

	<p>Particular powers to require information or attendance</p> <ul style="list-style-type: none"> • Clause 25 - Chapter 4, part 2, divisions 2 to 4 Refusals and claims of privilege and reasonable excuse • Clause 32 - Chapter 4A Procedure on claims of reasonable excuse, including privilege 		<p>The effect of s. 460 is that if a person was given a notice to produce a document or thing or to provide information before the commencement of these provisions, but does not make a claim of reasonable excuse until after the commencement, then the new provisions will apply.</p> <p>Our view is this may be confusing if references are made to notices and processes pursuant to old provisions, when the CCC is now operating under the new provisions.</p> <p>We restate our submission that these transitional arrangements should not burden the individuals involved in CCC matters. Confusion could lead to missed timeframes which could have flow on consequences of a serious nature. This is one of the reasons why retrospective application of new provisions ought to be avoided.</p>
s462	Section 182A	On a day to be fixed by proclamation	<p>Section 182A applies to the attendance of a person at a commission hearing under an attendance notice whether the attendance notice was issued before or after the commencement.</p> <p>We understand the practical need for such a provision.</p>
s463	Section 205D(1)(c)	On a day to be fixed by proclamation	<p>This section provides journalist privilege can apply whether the informant gave the document, thing or information to the journalist before or after the commencement.</p> <p>This provision therefore has retrospective effect and this is a policy decision for Government.</p>